IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO. 358 OF 2003

IN

SUMMARY SUIT NO. 576 OF 2003

Reuters India Pvt. Ltd. ... Plaintiff

versus

Sanjana Enterprises ....Defendant

...

Mr.C.D'Souza i/b Dholakia Gupte for the plaintiff.

None for the defendant.

CORAM : D.G. KARNIK,J.

DATED : 12th January 2005.

P.C.:

1. Heard the learned counsel for the plaintiff. None for the defendant.

2. The learned counsel for the plaintiff hands in affidavit of service and the original documents along with a list. Affidavit of service as well as

original documents are taken on record. The documents are marked Exhibit-A collectively. Despite service of Summons for Judgement, the defendants have not filed any affidavit in reply nor filed any application for leave to defend. In the circumstances, plaintiff is entitled to a decree under clause (a) of sub rule(6) of Rule 3 of Order 37 of the Code of Civil Procedure r/w 221 of the Bombay High Court (Original Side) Rules.

3. On perusal of documents, it is seen that there is no agreement to pay interest. In the circumstances, the plaintiff is not entitled to claim interest. The plaintiff through its learned counsel gives up the claim for interest. In view of this, Summons for Judgement is made absolute and the suit of the plaintiff is decreed as follows

4. The defendant shall pay to the plaintiff a sum of Rs.3,62,691/-. No order as to costs.

D.G. KARNIK, J